

Inventors: Osborne and Ramesh
Serial No.: 09/323,738
Filed: June 1, 1999
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Group II: Claims 17-39, directed to a method of treating or preventing diabetes comprising administration of cells transduced with one or more retroviral vectors.

Applicants elect with traverse the invention of Group II, claims 17-39, directed to a method of treating or preventing diabetes comprising administration of cells transduced with one or more retroviral vectors, for prosecution on the merits. Applicants reserve the right to pursue prosecution of non-elected claims in a later filed application claiming the benefit of priority of the above-identified Application.

Applicants traverse the restriction requirement because an examination of both groups of claims will not be an undue burden on the Examiner. In this regard, Applicants respectfully submit that a thorough search of Group II will necessarily reveal art relevant to the claims of Group I. For example, a search of Group I would encompass a search of methods of treating or preventing diabetes by implanting cells coexpressing proinsulin and a glucose-regulated protease capable of cleaving proinsulin as recited in claim 17. A thorough search of the methods claimed in Group II will also encompass a search of cells useful in the method including, for example, the cell population of claim 1, coexpressing proinsulin and a glucose-regulated protease capable of cleaving proinsulin. In addition, a thorough search of the methods claimed in Group II will encompass a search of vectors useful in the method including, for example, the vector of claim 11, having expressible nucleic acids encoding proinsulin and a glucose-regulated protease capable of cleaving proinsulin.

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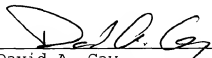
Finally, a thorough search of the methods claimed in Group II will encompass a search of the method of claim 40 directed to transducing cells with the vector of claim 11. Therefore, Applicants respectfully request that the Examiner rejoin the claims of Groups I and II for prosecution on the merits as examination of both groups of claims would not be an undue burden.

CONCLUSION

In light of the Amendments and Remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. Should the Examiner have any questions, he is invited to call Cathryn Campbell or the undersigned agent.

Respectfully submitted,

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Date



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